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A Limited Liability Partnership

2 Including Professional Corporations

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Organization of Masters Mates & Pilots

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

23 BAYDELTA MARITIME INC.,

24 Plaintiff,

25 v.

26 HAL ELTZROTH,

27 Defendant.

Case No. C-06-1114 MMC

**AMENDED STIPULATION AND
~~PROPOSED~~ ORDER TO EXTEND
DISCOVERY DEADLINES**

1 ...and RELATED COUNTERCLAIM.

2
3 The parties, by and through their respective counsel of record, stipulate to
4 extend the time to conduct discovery until February 1, 2007.

5 On May 22, 2006, the Court issued a pretrial preparation order that instructed
6 the parties to complete discovery by December 1, 2006.

7 On June 5, 2006, defendant and counterclaimant Hal Eltzroth filed a first
8 amended counterclaim joining the International Organization of Masters, Mates & Pilots
9 ("MM&P") as a party to this action. MM&P filed its answer to the amended counterclaim
10 on August 11, 2006.

11 On June 30, 2006, counter defendant Baydelta Maritime Inc. filed a motion
12 to dismiss in response to the first amended counterclaim. On August 1, 2006, the Court
13 issued an order granting in part and denying in part the motion to dismiss, and granting
14 Eltzroth leave to amend.

15 On August 17, 2006, Eltzroth filed a second amended counterclaim. The
16 parties have not yet completed the discovery relating to that counterclaim for the following
17 reasons:

18 Al Hovden, the mate that was at the wheel at time of the predicate incident,
19 appears to presently be at sea. Consequently, the parties have been unable to contact him
20 for a deposition date, or serve him with a subpoena. Mr. Hovden's occupation as a sailor
21 requires him to be at sea (without returning to shore) for extended periods of time which
22 has made it difficult to contact him for scheduling and deposition purposes;

23 MM&P was only recently added to the case and has not yet had a meaningful
24 opportunity to conduct discovery;

25 Counsel for Eltzroth trailed in Sacramento County Superior Court the week
26 of November 5, 2006 and is now set for trial on Monday November 13, 2006, and is
27 unavailable to conduct discovery that week;

28

1 Counsel for Baydelta has a trial scheduled the week of January 7, 2007 and
2 is unavailable to conduct discovery that week;

3 Counsel for Eltzroth is traveling the weeks of November 19 and 26 and is
4 unavailable to conduct discovery during that time;

5 Counsel for MM&P is traveling for two weeks in December and is
6 unavailable to conduct discovery during that time.

7 THE PARTIES stipulate to extend the time to conduct discovery and request
8 the Court extend the time to complete discovery as follows:

9 all non-expert discovery to be completed by February 1, 2007;

10 all expert discovery to be completed by February 15, 2007; and

11 all other discovery deadlines as stated in Court's Pre-Trial Preparation Order
12 of May 22, 2006 to remain the same.

13
14 Dated: November 9, 2006

15 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

16
17 By /s/ Amy B. Norris

18 AMY B. NORRIS
19 Attorneys for Plaintiff and Counter-defendant
20 Baydelta Maritime Inc.

21 Dated: November 9, 2006

22 VENARDI ELAM LLP

23
24 By /s/ Mark Venardi

25 MARK VENARDI
26 Attorneys for Defendant and Counter-claimant, Hal
27 Eltzroth
28

1 Dated: November 9, 2006

2
3 LEONARD CARDER LLP

4
5 By /s/ Beth A. Ross

6 BETH A. ROSS
7 Attorneys for Counter Defendant International
8 Organization of Masters Mates & Pilots
9

10 ~~[PROPOSED]~~ ORDER

11 IT IS HEREBY ORDERED that the discovery deadlines in the above-
12 captioned action be extended as follows:


13 all non-expert discovery to be completed by February 1, 2007;

14 all expert discovery to be completed by February 15, 2007; and

15 all other discovery deadlines as stated in Court's Pre-Trial Preparation Order
16 of May 22, 2006 to remain the same.

17
18 SO ORDERED.

19 Dated: November 14, 2006



Hon. Maxine Chesney
United States District Judge